

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Brian Borenstein.,

Plaintiff

v.

The Animal Foundation, et al.,

Defendants

Case No. 2:19-cv-00985-CDS-NJK

**Order Admonishing Defendant and  
Discharging Show-Cause Order**

Throughout the five-year lifespan of this case, defendant The Animal Foundation (TAF) has been unable to manage court-ordered deadlines. After filing its motion for summary judgment late without any explanation, I ordered TAF to show cause as to why it shouldn't be sanctioned for its failure to comply with court orders. Order, ECF No. 457. In response, TAF stated that it should not be sanctioned because (1) it misunderstood the deadline and (2) the late filing was a result of filing sealed documents. ECF No. 463.

TAF's argument that it misunderstood the deadline is irrelevant. Even if the court interprets the deadline as TAF construes it, TAF *still* filed late. TAF argues that the deadline should have been June 24, 2024, and yet still filed on June 25, 2024. *See* TAF mot. for summ. j, ECF No. 432. Further, TAF's explanation that it was late filing the motion due to inexperience in filing documents under seal is not persuasive. ECF No. 463 at 4. This case has been ongoing for *five years* and, as explained in the order to show cause, TAF has consistently required last-minute extensions and shown that it has been unable to manage court-ordered deadlines. ECF No. 457 at 2. TAF claims that, but for its counsel's inexperience with filing motions under seal in federal court, TAF was in fact prepared and sought to timely file its dispositive motion prior to the expiration of deadlines. ECF No. 463 at 5. However, if TAF had been prepared, its counsel

1 would have understood the technical requirements for filing a motion under seal well before  
2 thirty minutes prior to the deadline's expiration.

3 Under Local Rule IA 11-8, "[t]he court may . . . impose any and all appropriate sanctions  
4 on an attorney or party who: [f]ails to comply with any order of this court." LR IA 11-8(e).

5 Although the court is encouraged that counsel has taken steps to better familiarize himself with  
6 the innerworkings of federal court, it cannot ignore TAF's consistent inability to comply with  
7 court-ordered deadlines. Therefore, the court **ADMONISHES** TAF. TAF can expect sanctions,  
8 which will escalate, if it continues to fail to comply with court-ordered deadlines. As a result of  
9 this admonishment, the show-cause order is hereby discharged against TAF.

10 Dated: November 22, 2024

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13 Cristina D. Silva  
14 United States District Judge  
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